

Paper 6

IP ADMINISTRATION
LEGAL DEPARTMENT, M/S 35
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JUN 15 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Hunter
Application No. 09/672,416
Filed: September 28, 2000
Attorney Docket No. 10991848-1

:
: DECISION GRANTING
: PETITION
:
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This is a decision on the petition, filed on January 16, 2001, in effect requesting that the Notice Of Omitted Item(s) ("Notice"), mailed on November 15, 2000, be withdrawn and that the application be accorded the filing date of September 28, 2000.

The petition is GRANTED.

The application was deposited on September 28, 2000. On November 15, 2000, the Initial Patent Examination Division of the Office mailed the Notice stating that the application had been accorded a filing date of September 28, 2000, but that page 9 of the specification appeared to have been omitted.

In response, the present petition is filed wherein Petitioner argues that page 9 was not omitted from the application filed on September 28, 2000, and was in fact filed along with the remaining 17 pages of the specification on that date. In support, the present petition is accompanied by a copy of Petitioner's postcard receipt indicating receipt by the Office of 18 pages of specification for this application on September 28, 2000, and a "copy" of page 9 of the specification allegedly filed on the same date.

The specification currently in the Office file includes a written description on pages 1-8 and 10-12, claims 1-24 on pages 13-17, and an abstract on page 18. The file does not contain a page 9. Upon comparison of the actual papers in this file with the contents of the "copy" of page 9 supplied with the present petition, it is clear that this newly submitted page 9 is an integral part of the application and fits between pages 8 and 10. The information on Petitioner's postcard receipt further evidences that 18 pages of specification, which would have included a page 9, were filed on September 28, 2000.

In view of the above, it is concluded that the papers for this particular application were mishandled by the Office.

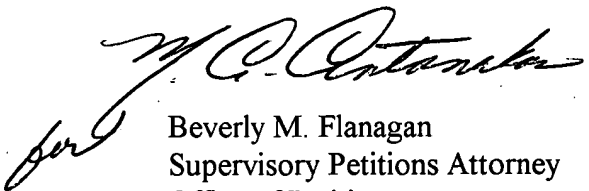
The petition is granted.

The Notice mailed on November 15, 2000 is hereby withdrawn.

The application is being forwarded to the Office of Finance for crediting the \$130.00 petition fee to deposit account No. 08-2025.

Thereafter, the application will be returned to the Initial Patent Examination Division for further processing with a filing date of September 28, 2000, using the specification as filed on that date and supplemented by the page 9 submitted with the present petition.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

A handwritten signature in black ink, appearing to read "Beverly M. Flanagan", is written over the typed name and title.

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy